

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:09-CR-67 CAS
	)	
JAMES MICHAEL CARMI,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on various pretrial matters. Pursuant to 28 U.S.C. § 636(b), this Court referred all pretrial matters to United States Magistrate Judge Audrey G. Fleissig. On April 24, 2009, Judge Fleissig filed a Report and Recommendation of United States Magistrate Judge which recommended that defendant's Motion to Suppress Evidence be denied and that defendant's Motion to Suppress Statements be denied as moot.

Defendant filed the following specific objections:

1. The four corners of the search warrant application fail to disclose any information that the Special Agent was familiar with either of the informants or had any information that the informants were in any way reliable.
2. It is impossible to determine from the four corners of the affidavit whether the date of those alleged transactions were recent or stale, and the agents admitted that he was unaware of when the informant had been at Defendant's residence, and that for all he knew it could have been anywhere from 1 day to 10 years prior to the warrant application. Therefore, there was no probable cause to believe that any illegal activity was ongoing at the time of the application for the search warrant.
3. The only evidence of any activity at Defendant's residence was Informant Richards' conclusory and undated assertions that there was unidentified "stolen property" and "drug logs" in the large bank vault in the lower level of Defendant's barn.

4. The scope of the search warrant exceeded the limits of the areas in which Affiant could have concluded allowed for illegal activity.

5. The warrant application was so lacking in recent and believable indicia of probable cause as to render official belief in the existence of probable cause entirely unreasonable.

Def.'s Objections at 1-2.


The Court has carefully and independently reviewed the full record, including the memoranda filed by the parties and the exhibits submitted at the evidentiary hearing, and has listened to a tape recording of the evidentiary hearing held in this matter on March 10, 2009. The Court is in full agreement with the stated rationale of the Magistrate Judge's recommendations as set forth in the thorough and well-reasoned Report and Recommendation, and will adopt the same over defendant's objections, the merits of which were addressed in the Report and Recommendation.

Accordingly, after a de novo review,

**IT IS HEREBY ORDERED** that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 33]

**IT IS FURTHER ORDERED** that defendant's Motion to Suppress Evidence is **DENIED**.  
[Doc. 17]

**IT IS FURTHER ORDERED** that defendant's Motion to Suppress Statements is **DENIED** as moot. [Doc. 16]

  
**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 14th day of May, 2009.